

FILED
12-18-2019
Clerk of Circuit Court
Outagamie County
2019CV001276

STATE OF WISCONSIN

CIRCUIT COURT

OUTAGAMIE COUNTY

**GARY BUNNELL and
KIM BUNNELL**
N5550 Mill Street
Shiocton, WI 54170

COPY

Plaintiffs,

Case No.

v.

VILLAGE OF SHIOCTON
N5605 STH 76
Shiocton, WI 54170

RICHARD KOMINOWSKI
N5605 STH 76
Shiocton, WI 54170

Defendants.

SUMMONS

THE STATE OF WISCONSIN TO EACH DEFENDANT IDENTIFIED ABOVE:

You are hereby notified that the plaintiffs named above have filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action. You must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint.

Your written answer must be served according to the time period applicable to your status as a defendant, or to the kinds of claims in the complaint. The time period for serving your written answer will be the most applicable, as follows:

Within twenty (20) days, exclusive of the day of service, after the summons has been served personally on you, or served by substitution personally upon another authorized to accept service of the summons for you; or

If you, the defendant, are the state, or an officer, agent, employee, or agency of the state, then your written Answer must be served within forty-five (45) days, exclusive of the day of service, after the summons has been served personally on you, or served by substitution personally upon another authorized to accept service of the summons for you; or

If you, the defendant, are an insurance company, then your written Answer must be served within forty-five (45) days, exclusive of the day of service, after the summons has been served personally on you, or served by substitution personally upon another authorized to accept service of the summons for you; or

If any cause of action raised in the petition and complaint is founded in tort, then your written Answer must be served within forty-five (45) days, exclusive of the day of service, after the summons has been served personally on you, or served by substitution personally upon another authorized to accept service of the summons for you.

The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is:

Clerk of Circuit Court
Outagamie County Courthouse
320 S Walnut St
Appleton WI 54911

and to plaintiff's attorneys at:

Attorney Richard J. Carlson
Town Counsel Law & Litigation, LLC
119 N. McCarthy Rd, Suite C
Appleton, WI 54913

You may have an attorney help or represent you. If you do not provide a proper answer within the time period applicable to you, or to the type of claim(s) in the petition and complaint, and which time period is either twenty (20), or forty-five (45) days, as described above, the Court may grant judgment against you for the award of money or other legal action requested in the Petition and Complaint, and you may lose your right to object to anything that is or may be incorrect in the Petition and Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 18th day of December, 2019

TOWN COUNSEL LAW & LITIGATION, LLC
Attorneys for Plaintiffs

By: s/ Richard J. Carlson
Richard J. Carlson, State Bar No. 1013627
119 N. McCarthy Rd., Suite C
Appleton, WI 54913
RCarlson@towncounselaw.com

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N5605 STH 76
Shiocton, WI 54170

RICHARD KOMINOWSKI
N5605 STH 76
Shiocton, WI 54170

Defendants.

COMPLAINT

The plaintiffs Gary Bunnell and Kim Bunnell, as their complaint against the defendants Village of Shiocton and its Zoning Administrator, Richard Kominowski, state as follows:

1. This is an action for negligence, nuisance and deprivation of property and substantive due process rights in connection with the construction of a single family home in a floodplain at a building site and elevation designated by the defendant Zoning Administrator Richard Kominowski, under permits issued by the Village of Shiocton that has now been determined to be in violation of Village, State of Wisconsin and FEMA zoning requirements. In the alternative, this is an action to enjoin the Village of Shiocton from enforcing its Floodplain Zoning Ordinance against the plaintiffs under the doctrine of equitable estoppel.

2. The plaintiffs are adult residents of the State of Wisconsin and the record owners of premises located at N5550 Mill Street, Shiocton, Wisconsin.

3. The defendant Village of Shiocton is a municipal corporation and body politic under Chapter 61, Wis. Stats. The defendant Village of Shiocton has adopted a Floodplain Ordinance as mandated by Section 87.30 Wis. Stats., with regulations consistent with Chapter NR 116 Wis. Admin. Code.
4. The defendant Richard Kominowski is an adult resident of the State of Wisconsin and at all times relevant to this Complaint was employed by the Village of Shiocton as its Zoning Administrator.
5. The plaintiffs' premises is improved with a single family home with attached garage constructed in 2016-2017 at a cost of approximately \$250,000.00. (The home is shown in Exhibit 1A and 1B attached).
6. The plaintiffs' premises is located, in part, in the floodplain of the Wolf River. The defendant Richard Kominowski, as Village Zoning Administrator, represented to the plaintiffs that the building site for the home, at an elevation of 769.2 feet MSL would comply with all Village, State and Federal floodplain zoning requirements.
7. The building site of the plaintiffs' home was staked out and inspected by Richard Kominowski and determined by Mr. Kominowski to be in compliance with all Village, State and FEMA floodplain zoning requirements.
8. On September 9, 2016, the defendant Richard Kominowski granted the plaintiffs a Floodplain Permit to construct the house in the staked out area at an elevation of 769.2 MSL. The Floodplain Permit is attached as Exhibit 2.
9. On October 3, 2016 the plaintiffs applied for and were granted a Village of Shiocton Building Permit to construct the house in the staked out area at an elevation of 769.2 MSL. The application and permit are attached as Exhibits 3A, 3B and 3C, respectively.

10. The plaintiffs constructed the house within the staked out area at an elevation of 769.2 feet MSL consistent with all approvals and permits, granted by the defendants.

11. The plaintiffs have now been given notice that their house is in violation of Village, State and FEMA floodplain regulations and rules and must be razed. The notice is attached as Exhibit 4.

12. The defendant Village of Shiocton and its Zoning Administrator, the defendant Richard Kominowski; had a ministerial duty to review, approve and grant permits in compliance with Village, State and FEMA zoning requirements.

13. The defendant Village of Shiocton failed to properly train the defendant Richard Kominowski to administer floodplain regulations and requirements.

14. The defendant Village of Shiocton and the defendant Richard Kominowski breached duties owed to the plaintiffs in the construction of their home.

15. The negligence of the defendants Village of Shiocton and Richard Kominowski has resulted in damages to the plaintiffs for the direct and indirect costs of compliance including the razing of their home and the construction of a replacement.

16. The negligence of the defendants has created a material safety risk to the plaintiffs and others and the defendants have created and maintained a public nuisance and are responsible for the full costs of abatement.

17. The defendants Village of Shiocton and Richard Kominowski, at all times material to the Complaint, acted under Federal, State and Village law.

18. The defendants Village of Shiocton and Richard Kominowski have acted arbitrarily, capriciously and recklessly in granting approvals and permits in violation of Federal, State and Village law.

19. The actions of the defendants Village of Shiocton and Richard Kominowski have deprived the plaintiffs of property and property rights and denied the plaintiffs substantive due process guaranteed under the U.S. Constitution and Wisconsin Constitution.

20. The actions of the defendants have resulted in a taking of the plaintiffs' property without compensation in violation of the U.S. Constitution and Wisconsin Constitution.

21. The plaintiffs have filed a Notice of Injury/Claim with the defendant Village of Shiocton. The defendant denied the claim. The denial is attached as Exhibit 6.

22. The violation of Village, State and FEMA zoning requirements were the direct result of actions by the defendants Village of Shiocton and Richard Kominowski.

23. The defendants are barred from enforcing the Floodplain Zoning violations against the plaintiffs under the doctrine of equitable estoppel.

WHEREAS, the plaintiffs respectfully request judgment against the defendants as follows: Damages in an amount to cover the costs of razing their home, constructing a replacement home and surveys and professional services or in the alternative, an order enjoining the defendants from enforcing the zoning ordinance against the plaintiff; costs, fees and disbursement as allowed by law; and such other relief as the Court deems equitable and just.

Dated this 18th day of December, 2019.

TOWN COUNSEL LAW & LITIGATION, LLC
Attorneys for Plaintiffs

By: s/ Richard J. Carlson
Richard J. Carlson, State Bar No. 1013627
119 N. McCarthy Rd., Suite C
Appleton, WI 54913
RCarlson@towncounselaw.com

ELEVATION CERTIFICATE**BUILDING PHOTOGRAPHS**

Continuation Page

OMB No. 1660-0008

Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.**FOR INSURANCE COMPANY USE**Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
N5650 Mill Street

Policy Number:

City
ShioctonState
WisconsinZIP Code
54170

Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.



Photo One

Photo One Caption Rear View 11/08/2017



Photo Two

Photo Two Caption Right Side View 11/08/2017

FEMA Form 086-0-33 (7/16)

Replaces all previous editions.

Form Page 6 of 6

EXHIBIT

tabbies

1A

ELEVATION CERTIFICATE**BUILDING PHOTOGRAPHS**

See Instructions for Item A6.

OMB No. 1660-0008

Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.**FOR INSURANCE COMPANY USE**Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
N5550 Mill Street

Policy Number:

City
ShioctonState
WisconsinZIP Code
54170

Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A6. If submitting more photographs than will fit on this page, use the Continuation Page.



Photo One

Photo One Caption Front View 11/08/2017

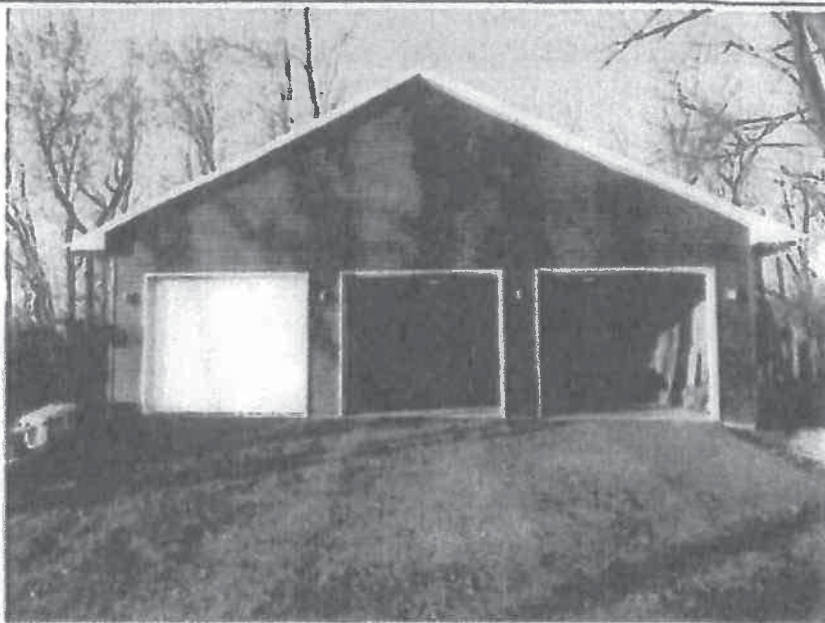


Photo Two

Photo Two Caption Left Side View 11/08/2017

FEMA Form 098-0-33 (7/15)

Replaces all previous editions.

Form Page 5 of 6

EXHIBIT

tabbies

1B

2

VILLAGE OF SHIOCTON

APPLICATION FOR PERMIT TO DEVELOP IN A FLOODPLAIN

PERMIT NO. FD4-16

The undersigned hereby makes application for a permit to develop in a floodplain. The work to be performed, including flood protection works, is as described below and in attachments hereto. The undersigned agrees that all such work shall be done in accordance with the requirements of the Village Floodplain Zoning Ordinance and with all other applicable Village Ordinances and the Laws and regulations of the State of Wisconsin.

LOCATION: Village of Shiocton
 Number 6 Road Mill St. Village Shiocton Sec 1/4 1/4
 Lot 6 Block 2 Subdivision or C.S.M. Number 2 Zone 2

PROPOSED WORK: ☒ BUILDING: ☒ FLOOD DISTRICT: ☒ AREA: 767.2 2 x 769.2
 Subdivision 427-9700 New General FP 767.2 2 x 769.2
 Filling ? Addition Regional FF Sq Ft
 Grading ? Alteration Regional FW RFE USGS
 Mineral Removal ? Moving FIRM ZONE Top of Fill
 Dredging ? Z.P. # ? USGS
 Cost ?

Owner GARY BURNELL Contractor/Building ?

Signed: [Signature] (Owner/Agent) Date 9-12-16
 Permit Issued YES Permit Denied ? Reason ?

Fees None By: Dick Kaminowski Zoning ADM Date 9-9-2016

Inspection Record:
 By: ? Date ? C of C Issued ? By: ?

Plans Prepared By: ? Date ?
 Land Surveyor/Engineer/Architect
 Sent to DNR District ? Main Office ? By ?

Other Information ?

Permit for new home with attached garage, first floor elevation on home is 769.2 2 ft. above mean elevation of 767.2, garage top floor is 768.2 1 ft. above mean elevation, elevation top of lift station on mill st & 59 is 769.50, house 63x25 ft wood frame garage 30x30 ft attached

NOTE: Property owners, builders and contractors are responsible for the accuracy of the information provided.

| Dept of Safety & Professional Services Industry Services Division Wisconsin Stats. 101.63, 101.73 | | Wisconsin Uniform Building Permit Application | | | Application No. _____ Parcel No. <u>28004040</u> | | | | | | | | | | | | | | | | | | | | | |
|--|----------|--|-----|---|---|-----------|---------|------|-----|------|-------|-----------|-----------|----------|--|--|--|--|--|-----------|----------|--|--|--|--|--|
| | | Instructions on back of second ply. The information you provide may be used by other government agency programs ((Privacy Law, s. 15.04 (1)(m)) | | | | | | | | | | | | | | | | | | | | | | | | |
| PERMIT REQUESTED | | <input checked="" type="checkbox"/> Constr. <input type="checkbox"/> HVAC <input type="checkbox"/> Electric <input type="checkbox"/> Plumbing <input type="checkbox"/> Erosion Control <input type="checkbox"/> Other: | | | | | | | | | | | | | | | | | | | | | | | | |
| Owner's Name <u>Kim & Diane Russell</u> | | Mailing Address <u>5715 S. Audubon Road, Apt 511A</u> | | Tel. <u>920-427-7000</u> | | | | | | | | | | | | | | | | | | | | | | |
| Contractor Name & Type <u>AP Schiller & Sons LLC</u> | | Lic/Cert# <u>1189207</u> | | Mailing Address <u>2853 S. 11th St, Green Bay, WI 54304</u> | | | | | | | | | | | | | | | | | | | | | | |
| Dwelling Contr. Qualifier <u>AP Schiller</u> | | Lic/Cert# <u>1189289</u> | | Tel. & Fax <u>920-252-2522</u> | | | | | | | | | | | | | | | | | | | | | | |
| HVAC <u>Martens Heating & Cooling</u> | | Lic/Cert# <u>8881</u> | | Mailing Address <u>Drum Lot 54463</u> | | | | | | | | | | | | | | | | | | | | | | |
| Electrical <u>Hometech Electrical Solutions</u> | | Lic/Cert# <u>EC1234012</u> | | Tel. <u>920-540-7727</u> | | | | | | | | | | | | | | | | | | | | | | |
| Plumbing <u>SBS Plumbing Inc.</u> | | Lic/Cert# <u>240943</u> | | Tel. <u>920-400-5533</u> | | | | | | | | | | | | | | | | | | | | | | |
| PROJECT LOCATION Lot area <u>1.67 ac.</u> Sq. ft. _____ Building Address <u>15550 4th St.</u> | | Town/Village/City of <u>Shiocton</u> County <u>Madison</u> | | Subdivision Name <u>17A</u> Lot No. <u>3</u> Block No. <u>104</u> | | | | | | | | | | | | | | | | | | | | | | |
| Zoning District(s) <u>R-1</u> | | Zoning Permit No. _____ | | Setbacks: Front <u>12</u> ft. Rear <u>12</u> ft. Left <u>12</u> ft. Right <u>12</u> ft. | | | | | | | | | | | | | | | | | | | | | | |
| 1. PROJECT <input checked="" type="checkbox"/> New <input type="checkbox"/> Alteration <input type="checkbox"/> Addition <input type="checkbox"/> Other: <input type="checkbox"/> Repair <input type="checkbox"/> Raze <input type="checkbox"/> Move | | 3. OCCUPANCY <input checked="" type="checkbox"/> Single Family <input type="checkbox"/> Two Family <input type="checkbox"/> Garage <input type="checkbox"/> Other: | | 6. ELECTRIC Entrance Panel Amps: <u>200</u> <input checked="" type="checkbox"/> Underground <input checked="" type="checkbox"/> Overhead | | | | | | | | | | | | | | | | | | | | | | |
| 2. AREA INVOLVED (sq ft) | | 4. CONST. TYPE <input checked="" type="checkbox"/> Site-Built <input type="checkbox"/> Mfd. per WI UDC <input type="checkbox"/> Mfd. per US HUD | | 7. WALLS <input checked="" type="checkbox"/> Wood Frame <input type="checkbox"/> Steel <input type="checkbox"/> ICF <input type="checkbox"/> Timber/Pole <input type="checkbox"/> Other: | | | | | | | | | | | | | | | | | | | | | | |
| Unfin. Basement Living Area <u>1466</u> Garage <u>1021</u> Deck/Porch Totals | | 5. STORIES <input checked="" type="checkbox"/> 1-Story <input type="checkbox"/> 2-Story <input type="checkbox"/> Other: <input type="checkbox"/> Plus Basement | | 8. USE <input type="checkbox"/> Seasonal <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Other: | | | | | | | | | | | | | | | | | | | | | | |
| | | 9. HVAC EQUIP. <input checked="" type="checkbox"/> Furnace <input type="checkbox"/> Radiant Baseboard <input type="checkbox"/> Heat Pump <input type="checkbox"/> Boiler <input checked="" type="checkbox"/> Central AC <input type="checkbox"/> Fireplace <input type="checkbox"/> Other: | | 12. ENERGY SOURCE <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Fuel</th> <th>Nat Gas</th> <th>L.P.</th> <th>Oil</th> <th>Elec</th> <th>Solid</th> <th>Solar Geo</th> </tr> <tr> <td>Space Htg</td> <td><u>X</u></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Water Htg</td> <td><u>X</u></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table> | | Fuel | Nat Gas | L.P. | Oil | Elec | Solid | Solar Geo | Space Htg | <u>X</u> | | | | | | Water Htg | <u>X</u> | | | | | |
| Fuel | Nat Gas | L.P. | Oil | Elec | Solid | Solar Geo | | | | | | | | | | | | | | | | | | | | |
| Space Htg | <u>X</u> | | | | | | | | | | | | | | | | | | | | | | | | | |
| Water Htg | <u>X</u> | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 10. SEWER <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> Sanitary Permit# _____ | | 13. HEAT LOSS <u>14,322</u> BTU/HR Total Calculated Envelope and Infiltration Losses (available from "Total Building Heating Load" on Rescheck report) | | | | | | | | | | | | | | | | | | | | | | |
| | | 11. WATER <input type="checkbox"/> Municipal <input checked="" type="checkbox"/> On-Site Well | | 14. EST. BUILDING COST w/o LAND <u>\$ 250,000</u> | | | | | | | | | | | | | | | | | | | | | | |
| I understand that I am subject to all applicable codes, laws, statutes and ordinances, including those described on the reverse side of the last ply of this form; am subject to any conditions of this permit; understand that the issuance of this permit creates no legal liability, express or implied, on the state or municipality; and certify that all the above information is accurate. If one acre or more of soil will be disturbed, I understand that this project is subject to ch. NR 151 regarding additional erosion control and stormwater management and the owner shall sign the statement on the back of the permit if not signing below. I expressly grant the building inspector, or the inspector's authorized agent, permission to enter the premises for which this permit is sought at all reasonable hours and for any proper purpose to inspect the work which is being done. | | | | | | | | | | | | | | | | | | | | | | | | | | |
| I (I vouch that I am or will be an owner-occupant of this dwelling for which I am applying for an erosion control or construction permit without a Dwelling Contractor Certification and have read the cautionary statement regarding contractor responsibility on the reverse side of the last ply of this form. | | | | | | | | | | | | | | | | | | | | | | | | | | |
| APPLICANT (Print): <u>Grady Russell</u> | | Sign: _____ | | DATE <u>11-8-16</u> | | | | | | | | | | | | | | | | | | | | | | |
| APPROVAL CONDITIONS | | This permit is issued pursuant to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty. <input type="checkbox"/> See attached for conditions of approval. | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>11-2-16</u> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ISSUING JURISDICTION | | Town of / Village of / City of / County of / State: _____ State-Contracted Inspection Agency#: _____ Municipality Number of Dwelling Location: _____ | | | | | | | | | | | | | | | | | | | | | | | | |
| FEES: Plan Review \$ _____ Inspection \$ _____ Wis. Permit Seal \$ _____ Other \$ _____ | | PERMIT(S) ISSUED <input type="checkbox"/> Construction <input type="checkbox"/> HVAC <input type="checkbox"/> Electrical <input type="checkbox"/> Plumbing <input type="checkbox"/> Erosion Control | | WIS PERMIT SEAL # _____ | | | | | | | | | | | | | | | | | | | | | | |
| | | PERMIT ISSUED BY: Name _____ Date _____ Tel. _____ | | EXHIBIT <u>3A</u> | | | | | | | | | | | | | | | | | | | | | | |

SITE INFO

SECTION: _____

LOT: 3 BLOCK: 16

ZONING DISTRICT: R-1

1/4, 1/2, 3/4, SEC _____ T _____ N, S, E, W

PARCEL NO. 2500 071000

FRONT: _____ R REAR: _____

LEFT: _____ R RIGHT: _____

Work shall not proceed until the inspector has approved the various stages of construction or two business days have elapsed since the day of inspection request. This permit is valid for 30 months after the date of issuance if the building's exterior has not been completed. Keep this card posted until final inspection has been made. (WI Stats. 101.63)

WISCONSIN UNIFORM BUILDING PERMIT

After making
permit you have
(check applicable)
Toll Fee.

| PHASE | REVISION | FINAL | REVISION |
|------------------|----------|-------|----------|
| FOUNDATIONS | | | |
| FOUNDATION | | | |
| FOUNDATION DIES | | | |
| CONSTRUCTION | | | |
| FINISHING | | | |
| HEAT VENTILATION | | | |
| ELECTRICAL | | | |
| PLUMBING | | | |
| MECHANICAL | | | |

☒ Constr ☐ HVAC ☒ Elect ☒ Plumb ☐ Erosion
Project:

Issued
To

OWNER NAME: John & Kim Russell PERMIT NO: 15556

REAL PROPERTY ADDRESS: 1111 St. Germain CITY/VILLAGE/TOWN: Greenfield

Issued
by

DATE ISSUED: _____ TELEPHONE: _____

Comments: New Construction

| CONTRACTORS | | |
|------------------------------------|----------------|---------------------|
| NAME | CREDENTIAL # | PHONE |
| <u>Mr. & Mrs. J.C. Markens</u> | <u>1149057</u> | <u>920 250-2502</u> |
| <u>Markens Heating</u> | <u>22831</u> | <u>920 685-0111</u> |
| <u>Homeowner Elec</u> | <u>1234012</u> | <u>920 5407787</u> |
| <u>Steve Plumbing</u> | <u>246713</u> | <u>410 553</u> |

NOTICE OF NONCOMPLIANCE: This issuing jurisdiction shall notify the applicant in writing of any violations to be corrected. All cited violations, except erosion control ones, shall be corrected within 30 days of notification unless extension time is granted.

FORM 924 (R 01/05)



CASH RECEIPT

Date 10-3-16 014645

Received From Bunnell

Address _____

For Building Permit Dollars \$ 500.00

| ACCOUNT | | HOW PAID | |
|----------------|--|--------------|--|
| AMT OF ACCOUNT | | CASH | |
| AMT PAID | | CHECK | |
| BALANCE DUE | | CARD PAYMENT | |

By [Signature]

Page 1 of 1

NET

88-604-7886

3/03/16

6239

PO BOX 96
SHIOCTON, WI 54170
FOR: FEES

TRANSACTION INFORMATION

Billed To Name: **GARY BUNNELL**
Type of Fee: **BUILDING PERMIT FEE**

**TRANSACTION
REFERENCE #:**

18610769

**TRANSACTION
DATE/TIME:**

10/03/2016 08:28:55
EDT

CARDHOLDER INFORMATION

NAME: **GARY BUNNELL**
ADDRESS: **307 1/2 MAPLE ST**
CITY, STATE ZIP: **BLACK CREEK, WI 54106**
PHONE #: **920-427-9700**
CARD #: **XXXX-XXXX-XXXX-1500**

PAYMENT INFORMATION

APPROVAL #: 072858
PAYMENT AMOUNT: \$500.00
SERVICE FEE: \$15.00
TOTAL AMOUNT: \$515.00

The service fee is not refundable.

ATTENTION CARDHOLDER:

If you have questions about the processing of your payment, please call GovPayNet at 888-604-7886.

Thank you for using GovPayNet

© 2007 Government Payment Service, Inc.

Form #: EUR





223 N Pine Street
P.O. Box 159
Hortonville, WI 54944-0159
p 920.779.4301
f 920.779.4302

Robert E. Sorenson
Robert.Sorenson@mennlaw.com

September 10, 2019

VIA CERTIFIED MAIL

Mr. & Ms. Gary Bunnell
N5550 Mill Street
Shiocton, WI 54170

Re: Structure located within floodway

Dear Mr. and Ms. Bunnell:

As attorney for the Village of Shiocton, I must inform you that the Wisconsin Department of Natural Resources has directed that the Village take action to eliminate the existing regulatory violation, specifically your residence, which is located within the floodway.

Therefore, you must now take steps to remedy the regulatory violation. You must also communicate your remediation plan to the Village no later than October 15th, 2019. Please send your written response to the undersigned.

In the event you fail to take action as requested herein in a timely manner, the Village shall then be required to issue a raze order. In that event, if the raze order is not complied with, the Village will take the necessary action to raze the structure and the cost of razing shall be specially charged against your land.

If you have any questions regarding your obligations in this matter, you should seek legal counsel. The Village is not in a position to assist you in that regard. Thank you for your cooperation in this matter.

Very truly yours,

MENN LAW FIRM LTD.

A handwritten signature in dark ink, appearing to read "Robert E. Sorenson", is written over a horizontal line.

Robert E. Sorenson

RES/sli

EXHIBIT

4

STATE OF WISCONSIN**CIRCUIT COURT****OUTAGAMIE**

Gary Bunnell et al vs. Village of Shiocton et al

**Electronic Filing
Notice****FILED****12-18-2019****Clerk of Circuit Court****Outagamie County****2019CV001276**

Case No. 2019CV001276

Class Code: Intentional Tort

RICHARD KOMINOWSKI
PO BOX 96
N5605 STH 76
SHIOCTON WI 54170

Case number 2019CV001276 was electronically filed with/converted by the Outagamie County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$20.00 fee to register as an electronic party.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: ef4a01

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 920-832-5131.

Outagamie County Circuit Court
Date: December 18, 2019

STATE OF WISCONSIN**CIRCUIT COURT****OUTAGAMIE**

Gary Bunnell et al vs. Village of Shiocton et al

**Electronic Filing
Notice****FILED****12-18-2019****Clerk of Circuit Court
Outagamie County****2019CV001276**

Case No. 2019CV001276

Class Code: Intentional Tort

VILLAGE OF SHIOCTON
PO BOX 96
N5605 STH 76
SHIOCTON WI 54170

Case number 2019CV001276 was electronically filed with/converted by the Outagamie County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$20.00 fee to register as an electronic party.

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